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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,330	01/25/2005	Edward M. Turley	6026P6	7587

24320 7590 02/03/2006

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EXAMINER
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FISHMAN, MARINA

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/522,330

Applicant(s)

TURLEY, EDWARD M.

Examiner

Marina Fishman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/06/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *General status*

1. This is a First Action on the Merits. Claims 1 – 43 are pending in the case and are being examined.

### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Grossmann et al. [US 4,342,931].

Grossmann et al. disclose a switch mechanism for use in a power tool having a motor [44] and at least two operable directions comprising:

- a first switch [10, 12] having an ON and an OFF position to selectively actuate the motor;
- a second switch [28, 16, 36, 68] to select between the directions, the second switch further comprising a neutral position [Figure 2] in which neither of said directions is selected;

- a first portion [38] of the first switch [12] being adapted to abut a first portion [left edge of pin 36] of the second switch when said second switch is in the neutral position and the first switch is in said OFF position; the abutment of the respective first portions [38, 36] preventing displacement of the first switch to said ON position until the second switch is displaced to a position other than the neutral position; and
- a second portion [40] of the first switch being adapted to abut a second portion (top side of pin 36) of the second switch when the first switch is in ON position and the second switch is in a position other than neutral position, the abutment of respective second portions preventing displacement of the second switch to the neutral position until the first switch is displaced to the OFF position.

Regarding Claim 2, the second switch external U-shaped sliding switch [28] and internal switch [14, Figure 4]. Regarding Claim 5, the disclosed first switch [12] is a toggle switch. Regarding Claim 10, the switch mechanism (first and second switches) have end blocks 928, 12] and operating rods [76, 16]. Regarding Claim 11, the disclosed motor is a series-wound motor.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossmann et al. [US 4,342,931] in view of Bittel et al. [US 5,380,971].

Regarding Claims 3 and 4, Grossmann et al. disclose the instant claimed invention except for type of internal switch. Providing a particular type of trigger switch (toggle or trigger) would be an obvious matter of design choice, as both functions the same way, if one replaced with another. Regarding Claims 6 - 8, the lever member [16] being retained at one end, acts as a cantilever spring to bring the external sliding switch [28] to a neutral position. Regarding Claim 9, how the spring is connected at the end, is an obvious matter of design choice, as long the secure connection is provided.

7. Claims 12 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossmann et al. [US 4,342,931] in view of Bittel et al. [US 5,380,971].

Regarding Claims 12, 13 and 26 - 30, Grossmann et al. disclose the instant claimed invention except for a dynamic braking system. Bittel et al. disclose a power switch with dynamic braking system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use dynamic braking system for hand tool in Grossmann et al., as suggested by Bittel et al., in order to dissipate the back EMF of the motor upon termination of power to the motor thereby locking the motor rotor [Bittel et al. column 1, line 39-43]. Regarding Claim 13, Grossmann et al. [Figure 4] disclose a pair of motor contacts for operation of motor in each direction.

Regarding Claims 14 - 25, 31- 43, though Grossmann et al. does not specifically disclose rocker contacts, they are schematically shown in Figure 4, and it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to provide rocker contacts in order to operate the motor; the other limitations related to the series-wound motor, t-shaped sliding switch, toggle or trigger switch, spring to bring the external sliding switch to neutral position, all are discussed above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kato [US 6,664,490], Schaeffeler et al. [US 6,469,268], Jung et al. [US 6,489,578] all disclose electrical switches. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

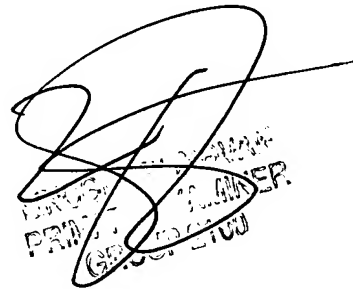
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
January 30, 2006

A handwritten signature in black ink is written over a circular official stamp. The stamp contains the text "PATENT AND TRADEMARK OFFICE" around the top edge and "ELECTRONIC BUSINESS CENTER" around the bottom edge. The signature is a stylized, cursive "MF".